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PATENT & TRADEMARK OFFICE

#28 Req. for R.C.E. w/ Response 1/8/04 D. Bruce

ATTORNEY DOCKET NO. TB 1041A-US 1915/13971US02

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Applicants:
Sander, Tom, *et al.*

U.S. Serial No.: 09/701,933

Filed: August 20, 2001

For: "ELONGATED CORTICAL BONE IMPLANT" (AS AMENDED)

Group Art Unit: 3738

Examiner: Bruce Edward Snow

CERTIFICATE OF MAILING

I hereby certify that this paper (and all papers referred to herein) is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

December 29, 2003

Michael B Harlin

Michael B. Harlin
Registration No. 43,658
Attorney for Applicants

RESPONSE UNDER 37 C.F.R. § 1.114

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Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action of 09/29/03, finally rejecting all claims (claims 59-71), for which a response was filed 11/23/03 proffering an amendment to the specification and claim 65, which was denied in the Advisory Action of 12/10/03, the Applicants hereby request continued examination under 37 C.F.R. § 1.114. In requesting continued examination, the Applicants request that the Examiner enter the amendments to the specification and to claim 65 as submitted in the Applicants' Second Response Under 37C.F.R. § 1.116, filed 11/23/03.

This document is accompanied by a check in the amount of $770.00 to cover the fee under 37 C.F.R. § 1.17(e). In the event that any additional fee is due as a result of filing this paper, the Assistant Commissioner is hereby authorized to charge such fees to deposit account No. 13-0017 in the name of McAndrews, Held & Malloy.

01/05/2004 CNGUYEN 00000122 09701933
01 FC:1801 770.00 OP

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

By: Michael B Harlin

Michael B. Harlin
Registration No. 43,658
Attorney for Applicants
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Chicago, Illinois 60661
(312) 775-8133

Dated: December 29, 2003

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PTO/SB/21 (08-00)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/701,933
Filing Date	08/20/01
First Named Inventor	Tom Sander, et al.
Group Art Unit	3738
Examiner Name	Bruce Edward Snow
Attorney Docket Number	1915/13971US02

Total Number of Pages in This Submission	4

ENCLOSURES (check all that apply)

- ☒ Fee Transmittal Form
  - ☒ Fee Attached - $770.00
- ☒ Response Under 37 C.F.R. §1.114
  - ☒ After Final
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
  - ☐ PTO 1449/08A with references
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s) (sheets)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD Number of CD(s) ____
- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Reply postcard

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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Michael B. Harlin, Reg. No. 43,658 McAndrews Held & Malloy, Ltd.
Signature	Michael B Harlin
Date	December 29, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 29, 2003

Name (Print/type)	Michael B. Harlin	Registration No. (Attorney/Agent)	43,658
Signature	Michael B Harlin	Date	12/29/03

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PTO/SB/17 (11-00)

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FEE TRANSMITTAL for FY 2004

Patent Fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT ($)770.00

Complete if Known	
Application Number	09/701,933
Filing Date	08/20/01
First Named Inventor	Tom Sander, et al.
Examiner Name	Bruce Edward Snow
Group Art Unit	3738
Attorney Docket No.	1915/13971US02

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 13-0017
Deposit Account Name: McAndrews Held & Malloy

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:
☒ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing Fee	
1002	340	2002	170	Design filing Fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($)0

2. EXTRA CLAIM FEES

	Extra Claims		Fee from below		Fee Paid
Total Claims	[ ] - 20** =		[ ] x	=	
Independent Claims	[ ] - 3** =		[ ] x	=	
Multiple Dependent				=	

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($)0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)				Fee under 37 C.F.R. §1.17(e)	770.00

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*Reduced by Basic Filing Fee Paid SUBTOTAL (3) ($)770.00

SUBMITTED BY					Complete (*if applicable*)
Name (Print/Type)	Michael B. Harlin	Registration No. (Attorney or Agent)	43,658	Telephone	312/775-8000
Signature	Michael B Harlin			Date	December 29, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.